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25 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

26 JAMON RIVERA, an individual;  
INLAND NW AGC, a membership  
27 organization; SPOKANE HOME

No. 1:23-cv-03070-SAB

**DECLARATION OF HOLLIS**

DECLARATION OF HOLLIS BARNETT - 1  
CASE NO. 1:23-cv-03070-SAB

132285.0009/9397826.1

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1 BUILDER'S ASSOCIATION, a  
2 nonprofit corporation;  
3 WASHINGTON STATE  
4 ASSOCIATION OF UA PLUMBERS,  
5 PIPEFITTERS AND HVAC/R  
6 SERVICE TECHNICIANS, a labor  
7 organization; CONDRON HOMES  
8 LLC, a limited liability company;  
9 PARAS HOMES LLC, a limited  
10 liability company; GARCO  
11 CONSTRUCTION INC., a for-profit  
12 corporation, NATIONAL PROPANE  
13 GAS ASSOCIATION, a national trade  
14 association, CITIZEN ACTION  
15 DEFENSE FUND, a nonprofit  
16 corporation; AVISTA  
17 CORPORATION; CASCADE  
18 NATURAL GAS CORPORATION;  
19 AND NORTHWEST NATURAL  
20 GAS COMPANY,

21 Plaintiffs,

22 v.

23 WASHINGTON STATE BUILDING  
24 CODE COUNCIL,

25 Defendant.

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## 26 DECLARATION OF HOLLIS BARNETT

27 I, Hollis Barnett, declare as follows:

1. I am a 25 percent owner and Vice President of Garco Construction ("Garco"),  
2. located in Spokane, Washington. I have personal knowledge of the facts set  
3. forth herein.
4. Garco does large scale commercial construction projects across the country  
5. and mainly in the Pacific Northwest for municipalities and governmental  
6. entities and a few commercial clients. Garco typically has over 30  
7. construction projects going at a time, and Garco's average annual revenue is  
8. \$300 million.
9. Garco has been designing more and more buildings that rely on electrical

BARNETT

1 cooling systems; however, for heating Garco and its customers typically use  
2 natural gas systems. For large-scale commercial building projects, utilizing  
3 electrical heating systems, as required by the code changes, will cause  
4 additional costs and delays. The requirement to install an electrical heating  
5 system effectively bans the use of natural gas heating systems. In order to  
6 provide enough power for an electrical heating system for a large building,  
7 the power requirements will likely double in size. For example, a building that  
8 would typically require an 800 amp service if heated with natural gas, will  
9 likely require a 1,600 amp service instead. The larger 1,600 amp service, will  
10 require larger, electrical switch gear with specialized components that are  
11 typically manufactured and supplied out of China. While the switch gear  
12 required for a smaller electrical service is more readily available for purchase  
13 in the United States, the bigger switch gear is difficult to procure domestically.

- 14 4. Procuring the required electrical switch gear to support the electrical heating  
15 equipment required by the code changes will cause extensive delays on our  
16 construction projects of 26 to 52 weeks.
- 17 5. Many of Garco's construction projects are pursuant to federal contracts, and  
18 under those contracts, the federal government does not reimburse Garco for  
19 time lost caused by force-majeure related supply-chain delays. Typically the  
20 federal government considers delays caused by state and local laws are  
21 considered to fall within the ambit of those contracts' force-majeure clauses.  
22 Garco will likely incur millions of dollars in additional, unreimbursed  
23 overhead due to the code changes.
- 24 6. Additionally, on some of our projects, the transformers that supply the  
25 electricity to our projects will have to be upgraded, at Garco's or our  
26 customers' expense.
- 27 7. The energy code changes are causing harm to Garco and its customers.

DECLARATION OF HOLLIS BARNETT - 3  
CASE NO. 1:23-cv-03070-SAB

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1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
2 is true and correct.

3 Executed on this May 31 day of May 2023, at Spokane, Washington.

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5 DocuSigned by:  
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Hollis Barnett  
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10 HOLLIS BARNETT  
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DECLARATION OF HOLLIS BARNETT - 4  
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